

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

DONALD BROWN, individually,

Plaintiff,

vs.

JASON CANNON; KEITH CZULEGER;  
BRIAN DANLEY; JORDAN FELDMAN;  
KEVIN GILL; BRIAN MARKERT; JEFF  
MARTIN; RYAN MICENKO; RYAN  
MOODY; CHRIS WESTBY; CITY OF FIFE;  
CITY OF LAKEWOOD; CITY OF  
PUYALLUP; PIERCE COUNTY; PIERCE  
COUNTY METRO SWAT TEAM; and JOHN  
DOES 1 through 10,

Defendants.

NO.

**COMPLAINT FOR DAMAGES  
UNDER 42 U.S.C. § 1983 AND  
WASHINGTON LAW**

JURY DEMAND

COMES NOW the plaintiff, Donald Brown, by and through his attorneys of record, Jeffrey  
O. Musto of Van Siclen, Stocks, & Firkins, P.S., Inc., and allege as follows:

**I. INTRODUCTION**

1.1 In September 2018, the Defendants acted negligently, recklessly, and outrageously  
by violating Plaintiff Donald Brown's constitutional rights and using unreasonable and excessive

1 force against him.

2 1.2 The Defendants inappropriately escalated what could have been resolved with a  
3 suitable response to a medical and/or mental health crisis into a roughly nine hour ordeal which  
4 culminated in officers using an explosive device to enter a bathroom in an apartment where  
5 Plaintiff Donald Brown was staying after he had awoken from a black out; throwing a flash bang  
6 into the small, enclosed bathroom which landed on his foot and exploded; using a K9 unit that bit  
7 and tore at Plaintiff Donald Brown's left arm; beating Plaintiff Donald Brown while he was lying  
8 on his back in the bathtub, landing at least ten to sixteen blows on his body and head; and tasing  
9 him in the back for an extended taser cycle.  
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11 1.3 On this day, Plaintiff Donald Brown was experiencing a medical and/or mental  
12 health crisis during which he had gone in and out of consciousness and did not understand what  
13 was going on. Instead of recognizing the medical issue that Plaintiff Donald Brown's partner,  
14 Vaniti Brooks, had communicated to them and attempting to address this issue, the Defendants  
15 took every opportunity to escalate the situation without a reasonable basis and used unnecessary  
16 and excessive force on Plaintiff Donald Brown. Defendants concluded Plaintiff Donald Brown  
17 was holding a roommate hostage without any basis, that he had barricaded himself in the apartment  
18 despite overwhelming evidence suggesting otherwise, and exerted excessive and unnecessary  
19 force on Plaintiff Donald Brown.  
20

21 1.4 Instead of trying to de-escalate the situation or identify what was truly going on and  
22 that there was not a "hostage" crisis or any weapons in Plaintiff Donald Brown's possession,  
23 Plaintiff Donald Brown was met with a militarized police response involving a SWAT team for  
24 about nine hours.  
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## II. PARTIES

2.1 Plaintiff Donald Brown, at all times material herein, resided in Pierce County, Washington.

2.2 Defendant Jason Cannon is a police officer employed by the City of Lakewood and a member and agent of the Pierce County Metro SWAT Team (hereinafter "Metro SWAT"). Defendant Cannon was working under color of state law and within the course and scope of his employment and agency at all relevant times described herein.

2.3 Defendant Keith Czuleger is a police officer employed by the City of Lakewood and a member and agent of Metro SWAT. Defendant Czuleger was working under color of state law and within the course and scope of his employment and agency at all relevant times described herein.

2.4 Defendant Brian Danley is a police officer employed by the City of Lakewood. Defendant Danley was working under color of state law and within the course and scope of his employment and agency at all relevant times described herein.

2.5 Defendant Jordan Feldman is a police officer employed by the City of Lakewood and a member and agent of Metro SWAT. Defendant Feldman was working under color of state law and within the course and scope of his employment and agency at all relevant times described herein.

2.6 Defendant Kevin Gill is a police officer employed by the City of Puyallup and a member, agent, and Commander of Metro SWAT. Defendant Gill was working under color of state law and within the course and scope of his employment and agency at all relevant times described herein.

1           2.7 Defendant Brian Markert is a police officer employed by the City of Lakewood and  
2 a member, agent, and Commander of Metro SWAT. Defendant Markert was working under color  
3 of state law and within the course and scope of his employment and agency at all relevant times  
4 described herein.  
5

6           2.8 Defendant Jeff Martin is a police officer employed by the City of Lakewood.  
7 Defendant Martin was working under color of state law and within the course and scope of his  
8 employment and agency at all relevant times described herein.  
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10           2.9 Defendant Ryan Micenko is a police officer employed by the City of Fife and a  
11 member and agent of Metro SWAT. Defendant Micenko was working under color of state law and  
12 within the course and scope of his employment and agency at all relevant times described herein.  
13

14           2.10 Defendant Ryan Moody is a police officer employed by the City of Lakewood and  
15 a member and agent of Metro SWAT. Defendant Moody was working under color of state law and  
16 within the course and scope of his employment and agency at all relevant times described herein.  
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18           2.11 Defendant Chris Westby is a police officer employed by the City of Lakewood and  
19 a member and agent of Metro SWAT. Defendant Westby was working under color of state law  
20 and within the course and scope of his employment and agency at all relevant times described  
21 herein.  
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23           2.12 Defendant City of Fife is a municipality within the State of Washington and  
24 employed some police officers who responded to the September 23, 2018, incident involving  
25 Plaintiff Donald Brown described herein. The civil rights violations delineated herein were  
26 proximately caused by Fife's customs, policies, and usages and the decisions of its policymakers.  
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28           2.13 Defendant City of Lakewood is a municipality within the State of Washington and  
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1 employed some police officers who responded to the September 23, 2018, incident involving  
2 Plaintiff Donald Brown described herein. The civil rights violations delineated herein were  
3 proximately caused by Lakewood's customs, policies, and usages and the decisions of its  
4 policymakers.  
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6 2.14 Defendant City of Puyallup is a municipality within the State of Washington and  
7 employed some police officers who responded to the September 23, 2018, incident involving  
8 Plaintiff Donald Brown described herein. The civil rights violations delineated herein were  
9 proximately caused by Puyallup's customs, policies, and usages and the decisions of its  
10 policymakers.  
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12 2.15 Defendant Pierce County Metro SWAT is a "special weapons and tactics" team and  
13 an entity composed of police officers from several municipalities within Pierce County and created  
14 by interlocal agreement making it a jural entity. Metro SWAT selects its members, creates policies  
15 and procedures, trains its own members, compiles and/or maintains its own records, and is a  
16 separate entity from the participating municipalities that provide its officers. Metro SWAT's  
17 agents and policymakers, including but not limited to Defendants Cannon, Czuleger, Feldman,  
18 Gill, Markert, Micenko, Moody, and Westby, responded to the September 23, 2018, incident  
19 involving Plaintiff Donald Brown described herein. The civil rights violations and Washington  
20 state claims delineated herein were proximately caused by Metro SWAT's customs, policies, and  
21 usages.  
22

23 2.16 John Does 1 through 10, are entities and persons involved with Pierce County  
24 Metro SWAT team, the City of Fife, City of Lakewood, and the City of Puyallup who were  
25 involved with the unconstitutional, reckless, wanton, unreasonable, and intentional acts described  
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1 herein. These entities and persons are not currently known to Plaintiff. Upon discovery of their  
2 identifies, Plaintiff reserves the right to add them as Defendants in this cause of action.  
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### 4 **III. JURISDICTION AND VENUE**

5 3.1 This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343.

6 3.2 Venue is appropriate in the Western District of Washington pursuant to 28  
7 U.S.C § 1391 because at least some of the defendants reside in this judicial district and because  
8 the events and omissions giving rise to the claims alleged herein occurred within the Western  
9 District of Washington.  
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### 11 **IV. STATUTORY COMPLIANCE**

12 4.1 On or about July 16, 2021, administrative claims for damages were served upon the  
13 Defendants.  
14

15 4.2 Any prerequisites to the maintenance of this action imposed by RCW 4.96, *et seq.*,  
16 have accordingly been satisfied.  
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### 18 **V. STATEMENT OF FACTS**

19 5.1 On or about Sunday, September 23, 2018, Plaintiff Donald Brown was with his  
20 partner, Vaniti Brooks, and her sister, Lori Hawthorne, at an apartment in Lakewood where they  
21 were living at the time – the Oakridge Apartments located at 8022 83rd Avenue SW, Lakewood,  
22 WA 98498.  
23

24 5.2 As Vaniti and Donald were having breakfast together, Donald began to act  
25 unusually, make incoherent statements, and appeared to be talking to people who were not in the  
26 room. After trying to calm him down, Vaniti concluded that Donald was going through some sort  
27 of medical or mental health issue, or having a reaction to medications he had been taking, that she  
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1 did not understand and could not identify. She decided to call 911 for an ambulance, which she  
2 described as an aid car.

3  
4 5.3 At a little before 6:45 a.m., Vaniti Brooks called 911 to indicate that she needed  
5 assistance and to request an aid car for her partner, Donald, who she reported had “snapped.”  
6 During the initial call, Vaniti indicated to the dispatcher that Donald had a gun. Although Vaniti  
7 reported that she believed Donald had a gun, there was no such gun. It would ultimately turn out  
8 that there was only a bb gun in the trunk of a vehicle and a plastic fake gun in the apartment.  
9

10 5.4 The Lakewood Police Department was the first to respond and the other Defendants  
11 and Metro SWAT would later be called to the scene. When law enforcement officers initially  
12 arrived at the scene, including Officer Brian Danley, Vaniti was surprised. She expected that an  
13 ambulance and EMTs would respond to her request for an aid car, not law enforcement officers.  
14 She met the responding officers outside of the apartment building and tried to bring them up to the  
15 apartment to help calm Donald down. However, the responding officers did not let her return to  
16 the apartment and instead immediately brought her to their patrol car and placed her in the back of  
17 the car.  
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21 5.5 When Vaniti was isolated from the apartment and Donald, in the back of a police  
22 car, she tried to convey to the officers who responded to the scene that Donald was going through  
23 what she thought might have been some sort of mental health crisis or a bad reaction to prescription  
24 medication he was on at the time. She informed the officers that Donald had been on anxiety  
25 medication and was participating in methadone therapy in an attempt to overcome and recover  
26 from addiction.  
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29 5.6 Further, when the officers arrived on the scene, Vaniti did not convey to them that  
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1 Donald had threatened anyone in the apartment with a gun or that he even had it on his person.  
2 She only conveyed to the officers that she thought there was a gun somewhere in the apartment so  
3 that they were aware of its possible presence in the apartment.  
4

5 5.7 Vaniti told the officers these things to try to clarify what she thought happened,  
6 express that she was concerned for Donald, and make it clear that she felt he needed medical help  
7 and not an armed police response. She told them he was acting incoherently, may have been  
8 hallucinating and seeing people in the apartment who were not there, and that she had never seen  
9 him act in this manner in the past. She tried to be very clear with the officers that Donald had not  
10 acted like this previously, was never violent with her or with her sister, Lori Hawthorne, and that  
11 he was just confused.  
12

13 5.8 Vaniti conveyed to the officers that her sister, Lori Hawthorne, was still inside the  
14 apartment and that she had down syndrome. At no point did Vaniti indicate that Lori was being  
15 held hostage or that she thought she was in danger. Nor was there any evidence that Donald was  
16 forcibly keeping Lori in the apartment against her will or that he was threatening her or Vaniti.  
17

18 5.9 Despite this, the responding officers appear to have immediately treated it like a  
19 hostage situation and set up an “emergency entry/rescue team that consisted of four to five  
20 officers.”  
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22 5.10 Instead, there were in fact many indications that Donald was going through a mental  
23 health or medical crisis and did not understand what was going on. Officers tried to communicate  
24 with Donald by calling Vaniti’s cell phone, which was still inside the apartment. Officers reported  
25 that he answered the phone but could only be heard panting and grunting. After about twenty  
26 minutes of the line being open without much communication occurring, they heard Donald get on  
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1 the line and ask, "What is going on? Did I pass out?"

2 5.11 A short time later officer indicated that he started screaming, changed his tone, and  
3 indicated that he had to take off his shirt because it had vomit on it, and that he would put on shorts  
4 and come out. Presumably because of his confused and blacked out state, Donald did not come  
5 out. There are, however, no reports indicating that he threatened Vaniti or Lori during any of the  
6 officers' attempts to contact him.  
7

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9 5.12 After only about an hour, Metro SWAT and the other Defendants were called to  
10 the scene. At this time, the officers on the phone with Donald were instructed to hang up the phone  
11 so that Metro SWAT negotiators could be briefed. Metro SWAT Commanders, Defendants Brian  
12 Markert and Kevin Gill, as well as Defendant Chris Westby, arrived on the scene and were part of  
13 the team supervising, ordering, and authorizing the ensuing actions of the Defendants.  
14

15 5.13 Neighboring apartments were evacuated.  
16

17 5.14 Once it became clear to Vaniti that the law enforcement response was way out of  
18 proportion to what had occurred, she tried to talk to the officers and tell them that a SWAT team  
19 was not necessary. She said numerous times that he was never violent and that she felt he was just  
20 confused at the time.  
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22 5.15 Vaniti also indicated to officers that the door to the apartment was left open and  
23 unlocked. Nevertheless, the responding officers continued to escalate the situation.  
24

25 5.16 During the ensuing nine hour ordeal, police officers do not appear to have ever  
26 observed Donald with a gun or other weapon in the apartment or obtained any evidence to suggest  
27 Donald was threatening Lori Hawthorne. At 8:22 am, there were reports that there were "still no  
28 threats." In spite of this, breachers began making an explosive hinge charge at 8:25 am. Further,  
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1 Vaniti repeatedly told officers that she did not actually see Donald with a gun, which was recorded  
2 at least once in officers' records at 8:58 am.

3  
4 5.17 When Metro SWAT arrived at the scene with two armored vehicles, they were  
5 strangely told that Donald was armed and that he had barricaded himself in the apartment. It is  
6 unclear where the determination that Donald barricaded himself in his apartment came from, but  
7 it seems to have stemmed from officers hearing "sounds of items being moved that could indicate  
8 he was barricading the door."  
9

10 5.18 In fact, there was no evidence that Donald had barricaded himself in the apartment,  
11 which could have been easily disproven or verified had the officers checked the door or listened  
12 to Vaniti. Vaniti told the officers multiple times that the door was open and not locked. Further,  
13 when officers later attempted to throw a phone near the apartment's door to communicate with  
14 Donald, at about 10:05 am, they noticed that the apartment's front door was partially ajar.  
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17 5.19 About 10 minutes later, at 10:14 am, officers prepared a robot to enter the  
18 apartment. When members of the SWAT team used the robot to gain access to the interior of the  
19 apartment a short time later, the robot only needed to nudge the door open in order to place the  
20 throw phone inside the apartment. There are numerous notes in the CAD logs and police records  
21 that the front door to the apartment was open. There was no barricade.  
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24 5.20 By about 11:10 am, the officers had cleared the living room, kitchen, and hallway  
25 of the apartment. At about noon, officers began to make contact with Lori Hawthorne in the  
26 apartment using the robot. There was no indication at this time that Lori was being held or  
27 threatened by Donald. There are no records indicating Donald was even seen near Lori. At a little  
28 before 12:30 pm, Lori exited the apartment. Again, there was no evidence of any barricade or that  
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1 she had been held hostage.

2 5.21 At this point, any supposed threat of harm to others was minimized or eliminated  
3 as the only person left in the apartment was Donald and the surrounding apartments had been  
4 evacuated.  
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6 5.22 When Lori exited the apartment, officers questioned her about where Donald was  
7 in the apartment. Officers reported that she was difficult to communicate with, but reported that  
8 she said she thought Donald was inside the bathroom and that he might have had a knife and/or  
9 pistol with him. Again, no officer observed him with either a knife or a gun.  
10

11 5.23 A short time before this, Donald had come back into consciousness to an extent and  
12 was very confused about what was going on. He woke up naked, without pants on and having to  
13 go to the bathroom. This is how he ended up in the bathroom of the apartment.  
14

15 5.24 The next thing he knew, the lights to the bathroom had been shut off, which left it  
16 pitch dark in the bathroom and officers were yelling at him to exit the bathroom and that he was  
17 under arrest.  
18

19 5.25 Donald was still dazed, but responded by saying that he was naked and wanted  
20 pants in order to exit the bathroom. Instead of talking with him, officers began preparing to breach  
21 the bathroom door.  
22

23 5.26 At around 1 pm, the Defendants began positioning themselves in the apartment to  
24 arrest Donald. Officer Keith Czuleger and his K9 unit, Ranger, were ordered to enter the apartment  
25 as part of the arrest team. The deployment of the K9 unit into the bathroom was pre-planned to be  
26 used in detaining Donald. SWAT placed "several pieces of ballistic protection" in the living area.  
27 Long before this point, the use of an explosive charge had been authorized for the purpose of  
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1 breaching.

2           5.27 The next ten minutes would be scenes out of a nightmare for Donald. At 1:15 pm,  
3 officers set the explosive charges on the bathroom door and detonated them. When the explosion  
4 went off, it did not open the bathroom door fully. At this point, Donald tried to open the door and  
5 could be heard continuing to try to communicate with the officers. Officers could see Donald trying  
6 to open the door from the inside but could tell he could not get the door open. Officers could also  
7 hear Donald trying to communicate with him. However, officers proceeded to open the bathroom  
8 door completely with the use of a breaching ram.  
9

10           5.28 Next a flash bang was thrown into the small, enclosed space of the bathroom. It  
11 landed on Donald's foot and exploded. In quick succession, once the bathroom door was  
12 completely open and the flash bang was thrown into the bathroom, Officer Czuleger deployed his  
13 K9 unit into the bathroom.  
14

15           5.29 The use of a K9 unit is one of the most severe levels of force short of lethal force  
16 and should only be used as a last resort. Instead, it was used as one of the first means of  
17 apprehending Donald once the bathroom door had been breached.  
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19           5.30 The K9 unit brutally bit Donald on the left forearm and tore at his skin and arm.  
20 Donald fell backwards into the bathtub and experienced excruciating pain because of the dog bite.  
21 He struggled to get the dog off of him.  
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23           5.31 Immediately following the K9, Officers Ryan Micenko, Jason Cannon, and Ryan  
24 Moody entered the bathroom. They observed that Donald was lying in the bathtub being bitten by  
25 the K9. From Donald's perspective, it appeared that one of the officers was trying to force the K9  
26 unit to continue biting Donald's left arm. In response, the K9 released its bite, turned around, and  
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1 bit Officer Cannon on the left calf.

2 5.32 Instead of trying to take Donald into custody at that time, Officer Micenko  
3 concluded that a “fast progression of force was needed.” He came to this conclusion despite the  
4 fact that before the bathroom was breached, Donald was trying to communicate with the officers  
5 and exit the bathroom, that a flash bang had been used, that Donald had been bitten by a K9 unit,  
6 and that he was lying in the bathtub because he had fallen over. Officer Micenko began punching  
7 Donald in the body and face while he was in the bathtub.  
8

9 5.33 By his own admission, Officer Micenko punched Donald at least ten to sixteen  
10 times in the body and head. He began by delivering “volleys” of punches two to three times at  
11 Donald’s body. He then hit Donald in the head and face two to three more times. He then continued  
12 with yet another three to five volleys of strikes to Donald’s body, and another three to five volleys  
13 to Donald’s face and head.  
14

15 5.34 While all of this was going on, officers were yelling at Donald not to resist, but he  
16 was not resisting. He was on his back in the bathtub after having been flash banged, being bitten  
17 by a dog, and then being hit in the face and body.  
18

19 5.35 Donald remembers that while the officers were hitting him, he heard the officers  
20 say, “I’m not going to kill you, but I’m going to make you wish you were dead, A-rab.” He also  
21 heard the officers call him a towel head and told him to “get out of my country.” Through all of  
22 this, Donald felt extreme fear and believed he was going to die.  
23

24 5.36 Once the officers stopped beating Donald, he heard one of the officers ask, “Did  
25 you get everything you needed out of this?” Presumably this was directed at one of the other  
26 officers. Another officer replied by saying, “Well, I have never tased anyone.” In response, the  
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1 original officer said, "Then tase him."

2 5.37 It was at this point that Officer Jordan Feldman apparently felt the need to deploy  
3 his taser on Donald. A taser should *only* be used when necessary to overcome resistance while  
4 affecting an arrest, preventing an escape, in self defense, or in defense of another person from  
5 physical harm. It is not appropriate to use a taser punitively or for the purpose of coercion.  
6

7 5.38 There was still no evidence that Donald had a gun or a knife in his possession.  
8 Donald was lying in the bathtub defenseless and broken. There was no exit in the bathroom, so  
9 there was no risk of flight. Instead, he was naked and afraid in the bathroom and had been  
10 brutalized.  
11

12 5.39 Nevertheless, Officer Feldman deployed the taser probes into Donald's *back*. In  
13 other words, he was not a threat and was not even facing the officers when the taser was deployed.  
14 Despite these facts, Officer Feldman not only let the taser cycle for a few seconds, but he held the  
15 taser trigger down for *an extended cycle* of 10-15 seconds. This was absolutely uncalled for and  
16 an absurdly excessive misuse of force.  
17

18 5.40 In the end, Donald was subjected to a level of force that far exceeded what was  
19 reasonable and necessary to control and/or subdue him.  
20

21 5.41 Donald experienced seizures while being taken into custody; presumably because  
22 of the sick cocktail of abuse, excessive force, the trauma and blows to the head, and tasing that he  
23 suffered. He was treated at the scene and taken to the hospital. Incredibly, after the terrifying  
24 ordeal, Vaniti witnessed officers exiting the apartment building laughing and high fiving each  
25 other. It made her sick to her stomach.  
26

27 5.42 Donald was left with significant injuries to his arm and foot and was left with scars  
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1 on both. This terrifying experience had a significant impact on his life, caused him and continues  
 2 to cause him extreme emotional distress and anxiety. Since that time, he has had horrifying  
 3 nightmares, whole body twitching, and likely suffers from PTSD.  
 4

5 5.43 The above described actions of the Defendants and the agents of the Defendants  
 6 were negligent, outrageous, and with deliberate and reckless indifference and disregard for the  
 7 constitutional rights of Plaintiff Donald Brown and his safety and well being.  
 8

9 5.44 As a proximate result of Defendants and the agents of the Defendants' above-  
 10 described wrongful actions and those learned through discovery, Plaintiff Donald Brown suffered  
 11 pain, fear, anxiety, trauma, substantial emotional distress, disfigurement, disability, loss of the  
 12 ability to enjoy life, lost earning capacity, loss of liberty and damage to property, and other special  
 13 and general damages to be proved at trial.  
 14  
 15

## 16 VI. CLAIMS

### 17 FIRST CAUSE OF ACTION 18 (Federal Civil Rights Violation Under 42 U.S.C. § 1983)

19 6.1 By virtue of the facts set forth above, all the Defendants are liable for compensatory  
 20 and punitive damages for the deprivation of civil rights to Plaintiff Donald Brown guaranteed by  
 21 the Fourth Amendment to the Constitution of the United States and 42 U.S.C. § 1983, to be free  
 22 from unreasonable searches and entries. They did this by, among other things, entering and  
 23 remaining on the property without a warrant or legal cause, obtaining a search warrant without  
 24 probable cause and with false information, and executing the warrant in an unreasonable and  
 25 violent manner.  
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28 6.2 By virtue of the facts set forth above, all the Defendants are liable for compensatory  
 29 and punitive damages for deprivation of the civil rights of Plaintiff Donald Brown guaranteed by  
 30

1 the Fourth Amendment to the Constitution of the United States and 42 U.S.C. § 1983, to be free  
 2 from unreasonable seizures of his person. They did this by, among other things, performing the  
 3 seizure in an unreasonable, dangerous and violent manner, and taking such actions without legal  
 4 cause or justification.  
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6 6.3 By virtue of the facts set forth above, all the Defendants are liable for compensatory  
 7 and punitive damages for deprivation of the civil rights of Plaintiff Donald Brown guaranteed by  
 8 the Fourteenth Amendment to the Constitution of the United States and 42 U.S.C. § 1983, to be  
 9 free from the deprivation of his life, liberty, and property interest without due process of law.  
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11  
 12 **SECOND CAUSE OF ACTION**  
 13 **(State Law Claim – Outrage/Intentional Infliction of Emotional Distress)**

14 6.4 By virtue of the facts set forth above, the City of Lakewood, the City of Fife, the  
 15 City of Puyallup, and the Pierce County Metro SWAT team, are liable to Plaintiff Donald Brown  
 16 for compensatory damages for the tort of outrage.  
 17

18 **THIRD CAUSE OF ACTION**  
 19 **(State Law Claim – Negligence)**

20 6.5 By virtue of the facts set forth above, the City of Lakewood, the City of Fife, the  
 21 City of Puyallup, and the Pierce County Metro SWAT team, are liable to Plaintiff Donald Brown  
 22 for compensatory damages for negligence.  
 23

24  
 25 **VII. PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff requests relief as follows:

27 7.1 Compensatory damages, including general and special damages;

28 7.2 Punitive damages from the individual Defendants on Plaintiffs' claims under 42  
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1 U.S.C. § 1983;

2 7.3 Costs, including reasonable attorneys' fees, under 42 U.S.C. § 1988 and to the  
3 extent otherwise permitted by law; and  
4

5 7.4 Such other relief as may be just and equitable.  
6

7  
8 DATED this 22nd day of September, 2021.  
9

10 VAN SICLEN, STOCKS & FIRKINS  
11

12 By: /s/ Jeffrey O. Musto  
13 Jeffrey O. Musto, WSBA #52805  
14

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20 Attorneys for Plaintiff  
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